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Governor

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Executive Director

Robert L. Morgan

State Engineer

State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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Lee

October 22, 1991

Russell Wall  
Lake Creek Irrigation Company  
193 East Center  
Heber, Utah 84032

Dear Mr. Wall:

Last week you requested that I send you a letter outlining the policies of the State Engineer concerning the uses of irrigation company waters on lands that were not under the original company water right. This problem is very common in Utah with the advent of pressurized irrigation systems and extension of laterals facilitating the accomplishment of more land being irrigated and new lands being brought into production.

In my opinion the law is very specific and all water rights have some very common elements. They are 1) the amount of water used, 2) the actual use of water, e.g., domestic, irrigation, 3) where it is used, and 4) the time during the year that the water is used. The nature of use establishes a quantity of water placed to beneficial use. This is dependent upon how the water use is accomplished, e.g., the right is defined to a specific acreage. This acreage appears on a certificate or in a court decree and is the limit and measure of the beneficial use. In addition, the place of use as contained on the certificate or in the decree is established, e.g., irrigation of 500 acres within a section. The mapping of this beneficial use would establish the irrigation pattern and would tie the quantity to this pattern.

If in fact a water right needs to be changed to reflect a new use, a new place of use, or a new period of time in which the water is to be used, it is required that a change application be filed. However, the right was originally quantified under the old certificate or court decree, and acreages cannot be expanded. This change application process would facilitate new lands being brought under the irrigation company system, but only after the change application was filed and approved, and never for additional acreage beyond what had been originally certificated.

Russell Wall  
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If there continues to be questions within your company, and you think it would be advantageous, I would be very happy to come to Heber and talk with the company people.

Sincerely,

A handwritten signature in cursive script, reading "Robert L. Morgan".

Robert L. Morgan, P.E.  
State Engineer

/gm

cc: Jim Riley, Regional Engineer  
Lee Sim, Distribution/Adjudication ✓